

Application Serial Number 10/526,848
Response to Office Action
Dated January 2, 2008

REMARKS / DISCUSSION OF ISSUES

Claims 1-20 are pending with claims 1 and 11 being the independent claims. Claims are amended solely for non-statutory purposes, to delete reference characters required in international practice.

Rejections under 35 U.S.C. § 102

Claims 1-20 are rejected under 35 U.S.C. § 102(b) as being unpatentable over *Mosebrook, et al.* (US Patent 5,905,442). For at least the reasons set forth below, Applicants respectfully submit that a *prima facie* case of anticipation has not been established.

At the outset Applicants rely at least on the following standards with regard to proper rejections under 35 U.S.C. § 102. Notably, a proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991):

i. Claim 1

Claim 1 is drawn to a lighting control network and features:

a remote control unit having a RF signal transmitter and a RF signal receiver; and a plurality of lighting control units, each of said lighting control units having a RF signal transmitter, a RF signal receiver, and a lighting unit associated therewith, wherein

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said remote control unit and said plurality of lighting control units are configured in a master-slave oriented network, one of said plurality of lighting control units and said remote control unit being configured as a master in said network and remaining lighting control units of said plurality of lighting units and said remote control unit being configured as slaves in said network, and said plurality of lighting control units and said remote control unit communicating bi-directionally with each other via a RF wireless link.

Remote control units 40,42 and the lighting control units 5,15 and 25 are shown in an embodiment in Fig. 1. Notably, control unit 5 functions as the master in this embodiment.

The Office Action directs Applicants to the master control device 20 and the repeater 40 of *Mosebrook, et al.* for the alleged disclosure of the remote control unit; to the control units 20, 30, 40 and 50 for the alleged disclosure of the lighting control units; and to either control unit 20 or 30 for the alleged disclosure of the master control device. As should be appreciated from this brief summary of a part of the rejection, certain elements of the reference are applied to multiple features of the claim. Facially, this would suggest an under-inclusive set of elements for the features of the claims. For example, the master control device 20 is relied upon not only for the remote control unit; and for the master control unit. Respectfully, if one were to follow this reasoning, it logically follows that the reference fails to disclose either the remote control unit or the master control unit, which are not one and the same, yet are relied upon for the teaching of two separate elements. A review of Fig. 1 and its supporting description in *Mosebrook, et al.* does not reveal the disclosure or suggestion of both a remote control unit and a master unit as specifically recited, but rather a master unit and a control units.

For at least the reasons set forth above, Applicants respectfully submit that the applied art fails to disclose at least one feature of claim 1. Therefore a *prima facie* case of anticipation cannot be properly established and claim 1 is patentable over the applied art. Moreover, claims 2-10, which depend directly or indirectly from claim 1, are

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patentable for at least the same reasons and in view of their additionally recited subject matter.

ii. Claim 11

Claim 11 is drawn to a method and includes features similar to those of claim 1 recited above. The Office Action substantively rejects claim 11 based on the same application of *Mosebrook, et al.* For at least the reasons set forth above in traversing the rejection of claim 1, Applicants respectfully submit that the applied art fails to disclose at least one feature of claim 11. Therefore a *prima facie* case of anticipation cannot be properly established and claim 11 is patentable over the applied art. Moreover, claims 12-20, which depend directly or indirectly from claim 11, are patentable for at least the same reasons and in view of their additionally recited subject matter.

Conclusion

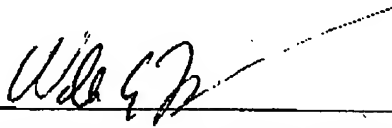
In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

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